

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

**IN RE:**

**Ray Daniel Hester, Jr and Ivy Spell Hester,  
Debtors.**

**Case Number 09-82170**

**Chapter 7**

**ORDER FOR RELIEF FROM THE AUTOMATIC STAY**

This matter came on before the undersigned United States Bankruptcy Judge upon the Motion for Relief from Stay (the "Motion") filed by BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP (the "Creditor") to exercise its state law rights with respect to certain real property (the "Real Property") located at 10 Blazing Star Lane, Bahama, NC 27503. The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the Motion on December 18, 2009.
2. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on December 22, 2009 that any objection to the Motion must be filed with the Court by January 3, 2010 and that if no objections were filed within that time period, then the Court would consider the Motion without a hearing.
3. No objection to the Motion was filed by any interested party, and the time within which objections must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP to exercise its state law rights with respect to the Real Property.

IT IS FURTHER ORDERED that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

Parties to be Served:  
09-82170

Ray Daniel Hester, Jr  
Ivy Spell Hester  
10 Blazing Star Lane  
Bahama, NC 27503

John T Orcutt  
6616 Six Forks Road  
Suite 203  
Raleigh, NC 27615

John A. Northen  
Post Office Box 2208  
Chapel Hill, NC 27514

Michael D. West  
Bankruptcy Administrator  
P.O. Box 1828  
Greensboro, NC 27402

Sean Corcoran  
5121 Plaza Parkway Blvd.  
Charlotte, NC 28217